

Effective 5/12/2015

17-50-329.5 Regulation of drive-through facilities.

(1) As used in this section:

(a) "Business" means a private enterprise carried on for the purpose of gain or economic profit.

(b)

(i) "Business lobby" means a public area, including a lobby, dining area, or other area accessible to the public where business is conducted within a place of business.

(ii) "Business lobby" does not include the area of a business where drive-through service is conducted.

(c) "Land use application" means the same as that term is defined in Section 17-27a-103.

(d) "Motorcycle" means a motor vehicle having a saddle for the use of the operator and designed to travel on not more than two tires.

(e)

(i) "Motor vehicle" means a self-propelled vehicle, including a motorcycle, intended primarily for use and operation on the highways.

(ii) "Motor vehicle" does not include an off-highway vehicle.

(f) "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle, or all-terrain type II vehicle.

(2) A county may not withhold a business license, deny a land use application, or otherwise require a business that has a drive-through service as a component of its business operations to:

(a) allow a person other than a person in a motorized vehicle to use the drive-through service; or

(b) offer designated hours of the day that a customer is accommodated and business is conducted in the business lobby that are the same as or exceed the hours of the day that a customer is accommodated and business is conducted in the drive-through service.

Enacted by Chapter 146, 2015 General Session